

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ELIZABETH SMITH, et al.,

No. C 04-1277 SBA

Plaintiffs,

ORDER

v.

WYETH, INC., et al.,

Defendants.

On August 25, 2004, this Court granted Plaintiffs' motion to stay all proceedings in the above-captioned matter pending possible transfer of this case to the Judicial Panel on Multidistrict Litigation ("MDL") [Docket No. 8]. In the August 25, 2004 Order, the Court directed Plaintiffs to file a status update apprising the Court of the progress of the transfer request on or before October 29, 2004. To date, no progress report has been filed.

Accordingly,

IT IS HEREBY ORDERED THAT Plaintiffs are directed to file a status update concerning the progress of the transfer request **on or before June 14, 2005**. Plaintiffs are explicitly advised that any failure to provide the Court with a status update by June 14, 2005, coupled with Plaintiff's previous failure to abide by this Court's August 25, 2004 Order, will be construed by this Court as a

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2 lack of interest in prosecuting this action further and **will result in a dismissal of this action without**
3 **prejudice.**

4 IT IS SO ORDERED.

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6 Dated: 5-20-05

/s/ Sandra Brown Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Judge